

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ALANA CHIEFSTICK, *et al.*,

Plaintiffs,

v.

CITY OF POULSBO, a political subdivision of
the State of Washington; *et al.*,

Defendants.

NO. 3:21-cv-05475-JRC

**STIPULATED MOTION TO APPROVE
SETTLEMENT AND DISMISS AND
[PROPOSED] ORDER**

**NOTE ON MOTION
CALENDAR:**

FEBRUARY 17, 2022

I. INTRODUCTION

Plaintiffs, ALANA CHIEFSTICK; LEONA COLEGROVE, as Guardian ad Litem for S.C.J., K.C., and L.R.C., minors; MICHAEL B. SMITH, Personal Representative of the Estate of STONECHILD CHIEFSTICK, deceased (“Plaintiffs”) and CITY OF POULSBO, a political subdivision of the State of Washington; CRAIG KELLER, in his personal capacity; DAN SCHOONMAKER, in his personal capacity ; TROY GROSSMAN, in his personal capacity (“Defendants”) (collectively “Parties”) by and through their counsel of record, respectfully request the Court approve a settlement agreement reached between the Parties and dismiss this case with prejudice and without further costs or attorneys’ fees on the terms set forth in the Settlement Guardian ad Litem Report (“GAL Report”).

II. RELIEF REQUESTED

The Parties respectfully request that the Court issue an order approving the settlement agreement reached between the Parties and dismiss this case with prejudice and without further costs or attorneys' fees on the terms set forth in the Settlement GAL Report.

III. EVIDENCE RELIED UPON

This Stipulated Motion to Approve Settlement and Dismiss ("Motion") is based upon the Settlement GAL Report on file with this Court, which, in turn, is based on: (1) a Release and Hold Harmless Agreement between Parties (2) a Settlement Agreement and Release between Parties and (3) a Mediation Settlement Agreement between the Parties (collectively "Settlement Agreements").

IV. STATEMENT OF FACTS

On July 1, 2021, Plaintiffs filed a complaint against Defendants alleging negligence and violations of 42 U.S.C. § 1983. The Parties have since negotiated a global settlement of all claims against all Defendants. The terms of the global settlement are provided in the Settlement GAL Report.

On November 1, 2021, the Court appointed Leona Colgrove to serve as Settlement *Guardian ad Litem* ("GAL") for S.C.J., K.C., and L.C.R. minors. Ms. Colgrove participated in mediation, reviewed each of the Settlement Agreements, and prepared a Settlement GAL Report, which she filed with the Court under seal on February 17, 2022 (Dkt. 42). The Settlement GAL Report recommends that this Court approve the terms of the Settlement Agreements, finding the Parties' settlement a fair and reasonable compromise

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1 **V. AUTHORITY & ARGUMENT**

2 The Parties respectfully request that the Court approve the settlement and dismiss this case
3 with prejudice and without further costs or attorneys' fees on the terms set forth in the Settlement GAL
4 report.

5 The Court's approval of the settlement is appropriate because the settlement terms
6 negotiated between the Parties are "fundamentally fair, adequate, and reasonable." *United States*
7 *v. Oregon*, 913 F.2d 576, 580 (9th Cir. 1990). Here, the Parties agree that the Settlement
8 Agreements are fair, adequate, and reasonable. Further, the GAL has approved the settlement and
9 specifically found that it is a fair and reasonable compromise. Accordingly, the Court's approval
10 of the settlement, and related dismissal of this case, is appropriate.

11 **VI. CONCLUSION**

12 For the reasons set forth above, the Parties respectfully request that the Court approve the
13 settlement reached between the Parties and dismiss this case with prejudice and without further
14 costs or attorneys' fees on the terms set forth in the Settlement GAL Report

15 DATED this 17th day of February, 2022.

16 GALANDA BROADMAN, PLLC

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ORDER

Having considered the Motion, Settlement GAL Report, and other materials, the Court hereby approves the settlement on the terms set forth in the Settlement GAL Report and dismisses this case with prejudice and without further costs or attorneys' fees.

IT IS SO ORDERED this ____ day of February, 2022.

HONORABLE J. RICHARD CREATURA